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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FARHAD SAFINIA, an individual,

Plaintiff,

vs.

VOLTAGE PICTURES, LLC, a
California limited liability company;
VOLTAGE PRODUCTIONS, LLC, a
Nevada limited liability company;
CHRISTCHURCH PRODUCTIONS
DAC, an Ireland designated activity
company; NICOLAS CHARTIER, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 2:17-cv-06902-CBM-RAO
Assigned to: Hon. Consuelo B. Marshall

PLAINTIFF FARHAD SAFINIA'S:

- 1) NOTICE OF MOTION AND
MOTION *IN LIMINE* NO. 3
TO EXCLUDE CERTAIN
EVIDENCE REGARDING
MEL GIBSON;**
- 2) MEMORANDUM OF POINTS
AND AUTHORITIES; AND**
- 3) DECLARATION OF AARON
PERAHIA**

Date: April 16, 2019
Time: 2:30 p.m.
Place: Courtroom 8B
Judge: Hon. Consuelo B. Marshall

RELATED COUNTER-CLAIMS.

Pre-trial conference: April 16, 2019
Trial date: April 30, 2019

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that, on April 16, 2019, at 2:30 p.m., before the Honorable Consuelo B. Marshall in Courtroom 8B of the United States District Court for the Central District of California, located at 350 West First Street in Los Angeles, California, Plaintiff and Counterclaim Defendant Farhad Safinia will, and hereby does, move the above-entitled Court for an order precluding Defendants, Counter-Claimants, and Third-Party Plaintiff Voltage Pictures, LLC, Voltage Productions, LLC, Christchurch Productions DAC, Nicolas Chartier, and Definition Films DAC (collectively, “Defendants”), and their respective counsel and witnesses, from introducing any evidence or argument concerning, or any making reference to, purported transgressions of non-party Mel Gibson that are unrelated to this action, including allegations that:

1. Mr. Gibson was arrested on suspicion of driving under the influence of alcohol in 2006 and pleaded no contest to a misdemeanor driving under the influence charge in connection with that arrest in 2006;

2. Mr. Gibson was involved in a domestic dispute with his then-girlfriend in 2010 and pleaded no contest to a misdemeanor battery charge in connection with that dispute 2011;

3. Mr. Gibson has made offensive and/or discriminatory statements, including statements reported after his arrest in 2006 and his domestic dispute in 2010, and/or that he harbors views consistent with those statements; and

4. Mr. Gibson has a history of alcohol abuse.

Mr. Safinia makes this Motion pursuant to *Federal Rules of Evidence* 401, 402, 403, and 404(b) on the ground that Mr. Gibson’s purported transgressions in his personal life have absolutely no relevance to the jury’s deliberations here. Mr. Safinia also brings the Motion on the ground that, even assuming such allegations were marginally relevant, the probative value of the allegations would be

1 substantially outweighed by undue risk of unfair prejudice, confusion of issues,
2 misleading the jury, unduly delaying the proceeding, and wasting time.

3 Mr. Safinia bases the Motion upon this Notice of Motion and Motion; the
4 attached Memorandum of Points and Authorities; the attached Declaration of Aaron
5 Perahia in Support of Motion *in Limine* Nos. 3 (“Perahia Decl.”); all pleadings and
6 papers on file in this action; such other evidence or arguments as may be presented
7 to the Court; and such other matters of which this Court may take judicial notice.

8 Mr. Safinia makes the Motion following the conference of counsel pursuant
9 to Local Rule 7-3, which took place on March 12, 2019. Perahia Decl. ¶2.

10
11 DATED: March 19, 2019

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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14 Bv /s/ Jeffery D. McFarland
Jeffery D. McFarland
Shahin Rezvani
Aaron Perahia
15 Attorneys for Plaintiff and Counterclaim
16 Defendant Farhad Safinia
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Preliminary Statement**

3 To “dirty up” Mr. Safinia and his witnesses, Defendants have sought
4 discovery on a number of Mel Gibson’s personal transgressions that are unrelated to
5 the claims or defenses before the jury. During Mr. Gibson’s deposition, for
6 example, Defendants’ counsel probed as to Mr. Gibson’s “criminal convictions,”
7 including asking whether he has “any felonies,” and about the circumstances
8 surrounding his domestic violence “dispute with [his] former girlfriend.” Perahia
9 Decl., Exh. A (Gibson Tr.) at 9:8-10:10, 11:2-4, 12:6-20. Even worse, while
10 Mr. Gibson was responding to a question posed to him, Defendant Nicolas Chartier
11 (who was present in the room) interrupted Mr. Gibson’s deposition and accused him
12 of being “an alcoholic.” *Id.*, Exh. A (Gibson Tr.) at 109:25-110:1. Defendants
13 apparently plan to reference to those personal matters at trial, too. But those events,
14 and all other allegations concerning Mr. Gibson’s personal life, are irrelevant to the
15 claims and defenses at issue in this case. Their sole purpose is to smear Mr. Safinia
16 and the witnesses he intends to call, including Mr. Gibson. They should be
17 excluded.

18 **Argument**

19 **I. EVIDENCE OF MEL GIBSON’S PAST TRANSGRESSIONS IS**
20 **IRRELEVANT.**

21 The Court should exclude any evidence of Mr. Gibson’s prior transgressions
22 in his personal life as they are not relevant. *Fed. R. Evid.* 402. Evidence is only
23 relevant if: “(a) it has any tendency to make a fact more or less probable than it
24 would be without the evidence; and (b) the fact is of consequence in determining the
25 action.” *Fed. R. Evid.* 401. In this case, Defendants’ remaining claims against Mr.
26 Safinia are for his alleged breach of contract and alleged tortious interference. *See*
27 ECF No. 76 at 6-7. According to Defendants, Mr. Safinia “wrongfully” registered
28 his 2016 Screenplay for copyright protection, thereby breaching the Certificate of

1 Authorship and “casting a cloud” on Defendants’ title to the Picture. ECF No. 67
 2 ¶ 70.

3 Evidence concerning Mr. Gibson’s personal life has absolutely no bearing on
 4 Defendants’ claims. Mr. Gibson’s misdemeanor convictions in 2006 and 2011 have
 5 no tendency to make a fact that is *of consequence* more or less probable in this
 6 action. Neither of the arrests involved any issues, or any of the other witnesses, in
 7 this case. The same is true for the remarks Mr. Gibson made that were reported
 8 following his 2006 arrest and 2010 domestic dispute. Similarly, allegations that Mr.
 9 Gibson is a “an alcoholic” are absolutely irrelevant to showing any of the elements
 10 of Defendants’ claim; they have no other purpose but to inflame the jury.

11 **II. THE EVIDENCE IS ALSO INADMISSIBLE AND SEVERELY**
 12 **PREJUDICIAL.**

13 Even if evidence concerning Mr. Gibson’s personal life were relevant, the
 14 Court should exclude it because it is inadmissible and would unfairly prejudice Mr.
 15 Safinia and Mr. Gibson by inflaming the passions of the jury -- which is precisely
 16 the sort of tactic that *Federal Rule of Evidence* 403 is designed to protect against.

17 *First*, the evidence constitutes inadmissible character evidence. “Evidence of
 18 a crime, wrong, or other act is not admissible to prove a person’s character in order
 19 to show that on a particular occasion the person acted in accordance with the
 20 character.” *Fed. R. Evid.* 404(b). Defendants may try to offer evidence of Mr.
 21 Gibson’s past transgressions in order to suggest Mr. Gibson (and by extension, Mr.
 22 Safinia) had a propensity toward improper conduct, and thus must have acted
 23 improperly or overbearingly toward Defendants in this case. Such tactics are clearly
 24 barred. *See Coursen v. A.H. Robins Co., Inc.*, 764 F.2d 1329, 1335 (9th Cir. 1985)
 25 (upholding exclusion of evidence of prior misconduct intended to show a “pattern of
 26 neglect” because the “overwhelming thrust of this evidence was to have the jury
 27 believe that because defendant lied [before], it lied [with respect to plaintiffs] as
 28 well”).

1 *Second*, Defendants cannot sidestep the limits of Rule 404 by relying on
2 Mr. Gibson’s prior misdemeanor convictions. *See Fed. R. Evid.* 609(a)(1)(A).
3 “Although Rule 609 does allow the use of convictions for impeachment, it limits the
4 use of misdemeanor convictions to those involving dishonesty or false statements.”
5 *Medrano v. City of Los Angeles*, 973 F.2d 1499, 1507 (9th Cir. 1992) (holding
6 “district court erred by allowing the use of [misdemeanor drug use and shoplifting]
7 convictions for impeachment”). Here, Mr. Gibson’s prior convictions were for
8 misdemeanors not involving dishonesty or false statements. Therefore, they may
9 not be relied upon under Rule 609.

10 *Third*, Mr. Gibson’s personal life is not a proper cross-examination subject.
11 Rule 608(b), which governs impeachment by specific instances of past conduct
12 other than convictions covered by Rule 609, generally bars evidence “of a witness’s
13 conduct in order to attack or support the witness’s character for truthfulness.” *Fed.*
14 *R. Evid.* 608(b). In contrast to Rule 609’s treatment of prior criminal convictions,
15 Rule 608(b) provides that specific instances of misconduct may be inquired into
16 during cross-examination of a witness only if, in the discretion of the court, “they
17 are probative of the [witness’s] character for truthfulness or untruthfulness.” *Fed. R.*
18 *Evid.* 608(b); *see also United States v. Abel*, 469 U.S. 45, 55 (1984). Here, the
19 evidence of Mr. Gibson’s past personal transgressions has absolutely no probative
20 value to show his character for truthfulness or untruthfulness on the issues disputed
21 in this action.

22 *Last*, even if such evidence had some marginal relevance, it should still be
23 excluded because its probative value is substantially outweighed by a danger of
24 unfair prejudice, issue confusion, and waste of time. *Fed. R. Evid.* 403. “Relevance
25 is a fairly coarse filter, and when evidence is minimally relevant, it is likely to be
26 minimally probative as well. . . . Where the evidence is of very slight (if any)
27 probative value, it’s an abuse of discretion to admit it if there’s even a modest
28 likelihood of unfair prejudice or a small risk of misleading the jury.” *United States*

1 v. *Wiggan*, 700 F.3d 1204, 1213 (9th Cir. 2012) (internal quotations, citations, and
2 footnote omitted). Here, even assuming such evidence were marginally relevant, it
3 would poses a severe risk of inflaming the jury's passions against Mr. Gibson and
4 Mr. Safinia and distracting from the merits of the issues actually being tried.

5 In sum, evidence concerning Mr. Gibson's personal life is totally irrelevant to
6 any material issue in this action. Even if it were (and it is not), such evidence has no
7 probative value to Defendants' theory of liability against Mr. Safinia. And even if it
8 did (and it does not), whatever modicum of probative value it might have is greatly
9 outweighed by the unfair prejudice, issue confusion, and waste of time they would
10 engender under Rule 403.

11 Conclusion

12 For the foregoing reasons, the Court should grant this motion and prohibit
13 Defendants, as well as their counsel and witnesses, from introducing any evidence
14 or argument concerning, or any making reference to, purported transgressions of
15 non-party Mel Gibson that are unrelated to this action, including allegations that:

16 1. Mr. Gibson was arrested on suspicion of driving under the influence of
17 alcohol in 2006 and pleaded no contest to a misdemeanor driving under the
18 influence charge in connection with that arrest in 2006;

19 2. Mr. Gibson was involved in a domestic dispute with his then-girlfriend
20 in 2010 and pleaded no contest to a misdemeanor battery charge in connection with
21 that dispute 2011;

22 3. Mr. Gibson has made offensive and/or discriminatory statements,
23 including statements reported after his arrest in 2006 and his domestic dispute in
24 2010, and/or that he harbors views consistent with those statements; and
25
26
27
28

1 4. Mr. Gibson has a history of alcohol abuse.

2
3 DATED: March 19, 2019

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4
5 By /s/ Jeffery D. McFarland
Jeffery D. McFarland
Shahin Rezvani
Aaron Perahia
6 Attorneys for Plaintiff and Counterclaim
7 Defendant Farhad Safinia
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DECLARATION OF AARON PERAHIA

I, Aaron Perahia, say that:

1. I am a member of the bar of the State of California, and I am admitted to practice before this Court. I am an associate at Quinn Emanuel Urquhart & Sullivan, LLP, and I am counsel for Plaintiff and Counterclaim Defendant Farhad Safinia. I make this declaration in support of Mr. Safinia's Motion *in Limine* No. 3 to Exclude Certain Evidence Regarding Mel Gibson (the "Motion"). I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. On March 12, 2019, counsel for the parties engaged in a conference of counsel to meet and confer regarding the respective motions *in limine* the parties intended to file. During the conference, Jeffery McFarland and Shahin Rezvani informed Jeremiah Reynolds and Ashlee Lin, counsel for Voltage Pictures, LLC, Voltage Productions, LLC, Christchurch Productions DAC, Nicolas Chartier, and Definition Films DAC, of the substance and basis of Mr. Safinia's contemplated Motion. The parties were unable to reach a resolution with respect to the Motion.

3. Attached hereto as **Exhibit A** is a true and correct copy of excerpts from the transcript of the deposition of Mel Gibson taken on August 23, 2018, in this action.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed March 19, 2019, at Los Angeles, California.



Aaron Perahia

EXHIBIT A

MEL GIBSON - 08/23/2018

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF CALIFORNIA
3 WESTERN DIVISION
4 FARSHAD SAFINIA, an)
individual,) Case No.:
5) 2:17-cv-06902-CBM-RAO
Plaintiff and)
6 Counter-Claim)
Defendant,) Pages 1 to 175
7)
vs.)
8)
VOLTAGE PICTURES, LLC, a)
9 California limited liability)
company;)
10 _____)

11
12 (Complete caption continued on following page)
13
14
15

16 DEPOSITION OF:

17 MEL GIBSON, VOLUME I

18 THURSDAY, AUGUST 23, 2018

19 10:22 a.m.

20

21

22

23 REPORTED BY:

24 Vickie Blair

25 CSR No. 8940, RPR-CRR

MEL GIBSON - 08/23/2018

Page 2

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF CALIFORNIA
3 WESTERN DIVISION

4 FARSHAD SAFINIA, an)
individual,) Case No.:
5) 2:17-cv-06902-CBM-RAO
Plaintiff and)
6 Counter-Claim)
Defendant,) Pages 1 to 164
7)

8 vs.)

9 VOLTAGE PICTURES, LLC, a)
California limited liability)
company; VOLTAGE PRODUCTIONS,)
10 LLC, a Nevada limited)
liability company;)
11 CHRISTCHURCH PRODUCTIONS DAC,)
an Ireland designated)
12 activity company; NICOLAS)
CHARTIER, an individual; and)
13 DOES 1 through 100,)
inclusive,)

14)
Defendants and)
15 Counter-Claim)
Plaintiffs.)
16)

17 DEFINITION FILMS DAC, an)
Ireland designated activity)
company,)

18 Third-Party Plaintiff,)
19)

20 vs.)

21 FARHAD SAFINIA, an)
individual,)

22 Third-Party Defendant.)
23)

MEL GIBSON - 08/23/2018

Page 3

1 Deposition of MEL GIBSON, the witness, taken on
2 behalf of the Defendants, on Thursday,
3 August 23, 2018, 10:22 a.m., at 9601 Wilshire
4 Boulevard, 7th Floor, Beverly Hills, California,
5 before VICKIE BLAIR, CSR No. 8940, RPR-CRR.

6

7 APPEARANCES OF COUNSEL:

8 FOR THE PLAINTIFF FARHAD SAFINIA and WITNESS MEL GIBSON:

9 QUINN EMANUEL URQUHART & SULLIVAN, LLP
10 BY JEFFERY D. MCFARLAND, Partner
11 865 South Figueroa Street
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13

14 FOR DEFENDANTS VOLTAGE PICTURES LLC, VOLTAGE
15 PRODUCTIONS, LLC, CHRISTCHURCH PRODUCTIONS DAC, NICOLAS
16 CHARTIER, and DEFINITION FILMS DAC:

15

16 EISNER, A PROFESSIONAL CORPORATION
17 BY JEREMIAH REYNOLDS, Partner
18 9601 Wilshire Boulevard
19 7th Floor
20 Beverly Hills, California 90210
21 (310) 855-3200
22 (310) 855-3201 Fax
23 jreynolds@eisnerlaw.com

20

21 ALSO PRESENT:

21

22 JONATHAN DECKTER

22

23 NICOLAS CHARTIER

23

24 STEPHEN SMITH, Videographer

24

25

1 Emanuel, on behalf of plaintiff Farhad Safinia and the 10:22:50
2 witness. 10:22:52

3 VIDEOGRAPHER SMITH: The court reporter today 10:22:53
4 is Vickie Blair of Epiq Legal Solutions. 10:22:54

5 Would the reporter please swear in the 10:22:57
6 witness. 10:22:59

7 10:22:59

8 MEL GIBSON,
9 having been first duly sworn, was
10 examined and testified as follows:

11 10:23:10

12 VIDEOGRAPHER SMITH: Please begin. 10:23:10

13

14 EXAMINATION

15 BY MR. REYNOLDS:

16 Q Sir, can you please state your name for the 10:23:11
17 record. 10:23:14

18 A Mel Gibson. 10:23:14

19 Q Have you ever testified under oath before? 10:23:15

20 A Yes. 10:23:16

21 Q Can you give me any approximation of how many 10:23:17
22 times you've done that? 10:23:21

23 A Oh, boy, a couple, maybe three. 10:23:22

24 Q Can you remember the most recent time you 10:23:26
25 testified under oath? 10:23:29

1	A	Hmm, man, the most recent time, hmm, no.	10:23:30
2	Q	Okay. Can you give me any approximation of	10:23:38
3		how long it's been since you testified under oath?	10:23:44
4	A	Hmm, no.	10:23:47
5	Q	Okay. Do you remember if you've testified in	10:23:47
6		court before?	10:23:55
7	A	I have.	10:23:55
8	Q	Can you tell me what that was in regards to?	10:23:56
9	A	Personal matters.	10:24:01
10	Q	Is that the dispute with the former	10:24:03
11		girlfriend?	10:24:14
12	A	Is this a copyright thing?	10:24:16
13		MR. McFARLAND: Just go ahead and move on to a	10:24:17
14		question that has something to do with the case.	10:24:19
15		BY MR. REYNOLDS:	
16	Q	Well, I'm just trying to get -- I'm not trying	10:24:22
17		to invade any privacy, sir, I'm just trying to	10:24:26
18		understand your history of testifying under oath which	10:24:30
19		is appropriate for background. Everybody's been asked	
20		this in the case so far.	10:24:33
21		MR. McFARLAND: I didn't ask Nicolas about any	10:24:33
22		of his criminal convictions or anything that he's done,	10:24:36
23		so we'll go ahead and just move on to something that	10:24:39
24		has to do with this case.	10:24:41
25		He's testified once in court, he's told you	10:24:42

1 that. What it was about is a personal matter, is what

10:24:44

2 he told you, and that's, I think, all you need to know

10:24:48

3 at this point.

10:24:53

4 BY MR. REYNOLDS:

10:24:54

5 Q Okay. Sir, are you refusing to tell me the

10:24:55

6 circumstances under which you've previously testified

10:24:58

7 before in court?

10:25:01

8 MR. McFARLAND: Objection. It misstates his

10:25:02

9 testimony.

10:25:05

10 He told you it was a personal matter.

10:25:05

11 BY MR. REYNOLDS:

10:25:09

12 Q Okay. All right. Personal matter. All

10:25:10

13 right.

10:25:21

14 And, sir, the testimony that you gave in that

10:25:22

15 case, was it in -- do you recall if it was in open

10:25:29

16 court or a deposition?

10:25:32

17 MR. McFARLAND: If you recall, you can tell

10:25:36

18 him.

10:25:37

19 THE WITNESS: Both.

10:25:37

20 BY MR. REYNOLDS:

10:25:38

21 Q Both. Okay. And did you have attorneys

10:25:38

22 representing you in that case?

10:25:47

23 A I did.

10:25:49

24 Q Okay. Do you recall who represented you in

10:25:50

25 that case?

10:25:53

1	A	No.	10:25:53
2	Q	Okay. Was that a criminal case or a civil	10:25:53
3		case?	10:26:05
4	A	Beats me.	10:26:05
5	Q	Okay. And did that case resolve? Is it over?	10:26:06
6	A	That's finished.	10:26:16
7	Q	Okay. All right. Can you remember any other	10:26:17
8		times that you've testified under oath?	10:26:26
9		MR. MCFARLAND: Asked and answered.	10:26:29
10		You can answer again.	10:26:34
11		THE WITNESS: Hmm, my memory's not what it	10:26:39
12		used to be.	10:26:41
13		BY MR. REYNOLDS:	10:26:41
14	Q	Okay. Do you know if you've ever been	10:26:42
15		involved as a party in a civil lawsuit?	10:26:45
16	A	Hmm, yes.	10:26:50
17	Q	Okay. So you've had civil -- civil disputes	10:26:53
18		in the past?	10:26:57
19	A	Hmm, one I can think of.	10:26:59
20	Q	Okay.	10:27:01
21	A	Maybe more.	10:27:01
22	Q	What's the one that you can think of?	10:27:02
23	A	Hmm, it was a wrongful death suit.	10:27:05
24	Q	Okay. And how long ago was that?	10:27:07
25	A	Oh, my God, 25 years.	10:27:11

1 Q Okay. All right. Can you recall ever being 10:27:14
2 any -- in any copyright cases? 10:27:24

3 A No. 10:27:27

4 Q How about cases involving breach of contract? 10:27:28

5 A Hmm, don't recall. 10:27:36

6 Q Okay. All right. Do you have any criminal 10:27:38
7 convictions? Do you have any felonies? 10:27:56

8 A Hmm, I have a criminal conviction. 10:27:59

9 Q Is it a felony? 10:28:01

10 A It's a misdemeanor. 10:28:04

11 Q Okay. 10:28:05

12 A It's a West plea, I did not admit guilt. 10:28:09

13 Q Got it. And is that connected to that same 10:28:12
14 personal matter that you talked about before? 10:28:17

15 THE WITNESS: You going jump in or what? What 10:28:22
16 does this got to do with the copyright case? 10:28:25

17 MR. McFARLAND: It's background. Let him go 10:28:28
18 ahead and ask you a couple of questions. Did it have 10:28:30
19 to do with that or something else? 10:28:33

20 THE WITNESS: It had to do with that. 10:28:36

21 MR. McFARLAND: Okay. 10:28:38

22 BY MR. REYNOLDS: 10:28:38

23 Q Okay. All right. Have you ever testified in 10:28:39
24 the case where Icon was a party? 10:28:44

25 A Probably, but I don't recall. I don't retain 10:28:50

1 these things. They mean nothing.

10:28:53

2 Q All right. What do you mean by that, "they
3 mean nothing"?

10:28:54

10:28:59

4 A They mean nothing to me.

10:29:00

5 Q Okay. You don't like this process?

10:29:03

6 A Well, who does?

10:29:08

7 Q Only the lawyers; right?

10:29:09

8 A Only those that make money from it.

10:29:11

9 Q Right. So let me just get some more
10 background on you. I know it's -- it's -- I understand
11 you've got, you know, a lot of Wikipedia and all that,
12 but I gotta hear it from you because you never know
13 what's true and what's not true.

10:29:14

10:29:18

10:29:20

10:29:24

10:29:27

14 A Uh-huh.

15 Q So take me -- what's your educational
16 background?

10:29:28

10:29:30

17 A Hmm, of course, I did school, high school, and
18 went to college.

10:29:34

10:29:38

19 Q Okay.

10:29:40

20 A Went to the National Institute of Dramatic
21 Art, and then started working.

10:29:40

10:29:44

22 Q Did you do all your schooling in Australia?

10:29:47

23 A No, I did up to grade six in the United
24 States.

10:29:50

10:29:55

25 Q Okay. And then did you get a degree from the

10:29:55

1	BY MR. REYNOLDS:	12:37:59
2	Q Okay.	12:37:59
3	A Zev and Dom were there, and I was there, and	12:37:59
4	Farhad was there.	12:38:02
5	Q Okay. All right. And anyone else besides	12:38:03
6	Farhad and yourself at the meeting on the Icon side?	12:38:13
7	A I don't believe so. I could be wrong.	12:38:21
8	Q Okay. And how long after production finished	12:38:22
9	in Ireland --	12:38:28
10	A It didn't finish.	12:38:29
11	Q Listen to my question.	12:38:30
12	How long before production finished in Ireland	12:38:33
13	did the meeting happen?	12:38:35
14	MR. McFARLAND: I'll object as the question,	12:38:36
15	as formed, assumes facts.	12:38:40
16	THE WITNESS: The production was unfinished.	12:38:41
17	BY MR. REYNOLDS:	12:38:43
18	Q Okay. How long before -- after shooting	12:38:43
19	finished in Ireland was the meeting?	12:38:46
20	A I couldn't tell you with any degree of	12:38:49
21	accuracy.	12:38:50
22	Q Okay.	12:38:50
23	A Too long.	12:38:51
24	Q And what was discussed at the meeting?	12:38:52
25	A "Ppfftt," well, we tried to discuss things,	12:38:58

1 but mostly we got talked at. 12:39:01

2 And Nick would go to the bathroom every 10 12:39:03

3 minutes and come out sweaty and agitated, I guess he 12:39:05

4 was fucking -- 12:39:12

5 MR. McFARLAND: Just answer his question. 12:39:13

6 THE WITNESS: All right. 12:39:15

7 BY MR. REYNOLDS: 12:39:16

8 Q All right. Tell me what you remember being 12:39:17

9 discussed at the meeting. 12:39:18

10 A I remember Nick talking -- 12:39:19

11 MR. McFARLAND: Could you control your clients 12:39:21

12 from giggling and laughing and talking. The court 12:39:22

13 reporter complained about it at the break, as well, so, 12:39:26

14 if we could stop it, we can -- we can continue the 12:39:28

15 deposition, but I'm not going to actually do that. 12:39:30

16 You're giggling with them; they're giggling and making 12:39:30

17 noise. If you're going to do this, if it's a joke to 12:39:33

18 you, we'll call the judge, and -- 12:39:36

19 MR. REYNOLDS: Go ahead and call the judge, 12:39:37

20 Jeff. Go ahead. Let's just do it, because, you know, 12:39:38

21 if your client makes a comment like he was sweaty and 12:39:39

22 came out of the bathroom, if you don't think we're 12:39:43

23 going to have a natural reaction to that -- 12:39:45

24 THE WITNESS: Every 10 minutes, dude. 12:39:47

25 MR. CHARTIER: I'm not the one who's an 12:39:49

1	alcoholic.	12:39:51
2	MR. McFARLAND: Would you keep your clients --	12:39:51
3	THE WITNESS: I like this.	12:39:53
4	MR. McFARLAND: -- from addressing mine during	12:39:53
5	the deposition, please.	12:39:55
6	MR. CHARTIER: I'm not addressing him; I'm	12:39:55
7	addressing you.	12:39:56
8	MR. REYNOLDS: Let's go ahead and take a	12:39:58
9	break. Everybody chill out. If you want to talk to	12:39:59
10	him, he's making the comments toward him.	12:40:02
11	THE WITNESS: Put the camera over there for a	12:40:03
12	second.	12:40:06
13	MR. McFARLAND: No, we're fine. Go ahead and	12:40:06
14	ask your question.	12:40:08
15	BY MR. REYNOLDS:	
16	Q My -- it's a very easy question: What do you	12:40:10
17	recall being discussed at the meeting?	12:40:12
18	A There was no discussion. We were talked at.	12:40:14
19	Nick told us how many Oscars he'd won, and he gave some	12:40:17
20	really bad advice on how to finish the movie as if he	12:40:20
21	was a director. And he was telling me how to direct a	12:40:23
22	film, and he had really piss poor solutions about how	12:40:26
23	to achieve an end to it. Which you could say, No, that	12:40:29
24	wasn't a good idea, and Farhad tried to argue the best.	12:40:33
25	It was laughable really.	12:40:35

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1	Q	All right.	12:40:41
2	A	And he didn't listen at all. He only talked.	12:40:41
3	Q	Okay. So --	12:40:47
4	A	So it wasn't really a meeting of any great --	12:40:47
5		you know.	12:40:50
6	Q	What were you trying to say at this meeting?	12:40:50
7	A	I was trying to convince him to finish the	12:40:53
8		film.	12:40:56
9	Q	Okay. And what was his position? What was	12:41:00
10		the position he was taking?	12:41:04
11	A	Hmm. It was just --	12:41:08
12		MR. MCFARLAND: I'm going to object.	12:41:16
13		THE WITNESS: It's so confusing that I don't	12:41:18
14		even know.	12:41:20
15		MR. MCFARLAND: Mel, Mel, hold on a second.	12:41:20
16		Let me get the objection out here.	12:41:22
17		What does this have to do with the copyright	12:41:23
18		case?	12:41:25
19		MR. REYNOLDS: Your client has filed a	12:41:25
20		complaint, I'll read it to you, where he claims that he	12:41:26
21		wouldn't consent to the use of his script because they	12:41:29
22		wouldn't do the filming, in these filed declarations	12:41:32
23		that say the same thing, that he wouldn't consent to	12:41:36
24		the use of the script because of refusal to shoot in	12:41:38
25		Oxford.	12:41:42

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF LOS ANGELES)

4 I, Vickie Blair, Certified Shorthand Reporter
5 No. 8940, RPR-CRR, for the State of California, do
6 hereby certify:

7 That, prior to being examined, the witness
8 named in the foregoing deposition was duly sworn to
9 testify to the truth, the whole truth, and nothing but
10 the truth;

11 That said deposition was taken down by me in
12 shorthand at the time and place therein named and
13 thereafter reduced by me to typewritten form and that
14 the same is a true, correct, and complete transcript of
15 said proceedings.

16 Before completion of the deposition, review of
17 the transcript was requested. Any changes made by the
18 deponent (and provided to the reporter) during the
19 period allowed are appended hereto.


20 I further certify that I am not interested in
21 the outcome of this action.

22 WITNESS my hand this 28th day of August, 2018.

23

24

25


Vickie Blair, CSR No. 8940, RPR-CRR